

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
CITY OF COLLEGE STATION  
AUGUST 8, 2011

STATE OF TEXAS           §  
                                     §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry

**Council:**

Blanche Brick  
Jess Fields  
Karl Mooney  
Katy-Marie Lyles  
Julie Schultz  
Dave Ruesink

**City Staff:**

David Neeley, City Manager  
Kathy Merrill, Deputy City Manager  
Frank Simpson, Deputy City Manager  
Carla Robinson, City Attorney  
Sherry Mashburn, City Secretary  
Tanya McNutt, Deputy City Secretary

**1. Call to Order and Announce a Quorum is Present**

With a quorum present, the Special Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 6:08 p.m. on Monday, August 8, 2011 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

**2. Executive Session**

In accordance with the Texas Government Code §551.071-Consultation with Attorney, and §551.074-Personnel, the College Station City Council convened into Executive Session at 6:09 p.m. on Monday, August 8, 2011 in order to continue discussing matters pertaining to:

A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:

- City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- Clancey v. College Station, Glenn Brown, and Kathy Merrill
- Rachel Rahn v. Alma Martinez, The Arkitex Studio, Inc. et al, Cause No. 09-000656-CV361
- Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023
- Ongoing criminal investigation of municipal court missing funds

B. Consultation with Attorney to seek legal advice; to wit:

- Legal Issues regarding possible revenue sharing and legislation in bio-corridor
- Legal issues related to compliance with Senate Bill 100

C. Deliberation on Personnel; to wit:

- Council Self-Evaluation

The Executive Session adjourned at approximately 7:11 p.m. on Monday, August 8, 2011.

No action was required from Executive Session.

### **3. Presentation, possible action, and discussion on recommendations by the Sunset Review Commission, and appointing Councilmembers to boards and commissions.**

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to accept the report as presented. The motion carried unanimously.

**MOTION:** Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to appoint Councilmembers to committees as noted below. The motion carried unanimously.

Arts Council: Jess Fields

Audit Committee: Nancy Berry, Jess Fields, Karl Mooney

Brazos County Health Department: Jess Fields, Katy-Marie Lyles

BVCOG: Nancy Berry

Brazos Valley Area Community Taskforce: Jess Fields

Convention and Visitors Bureau: Karl Mooney, with Julie Schultz as alternate

Intergovernmental Council: Blanche Brick, Dave Ruesink, Nancy Berry

Lick Creek Park Nature Center Advisory Board: Blanche Brick

Metropolitan Planning Organization: Nancy Berry

Research Valley Partnership: Julie Schultz, Nancy Berry, and Dave Ruesink as alternate

Sister Cities: Dave Ruesink

Transportation Committee: Blanche Brick

**4. Public Hearing, presentation, possible action, and discussion regarding the impacts of Senate Bill 100 and its effects on future City elections.**

At approximately 7:27 p.m., Mayor Berry opened the Public Hearing.

Lynn McIlhaney, 2022 Oakwood Trail, chair of the Citizen's Charter Review Advisory Commission, stated that the Commission's recommendation is to keep elections in May of odd-numbered years and to extend terms to four-year staggered terms. This would require a charter election. They believe the citizens should have a say as to when they would go to the polls. Elections would be every two years, be removed from partisan campaigns, with longer continuity and a higher profile for local issues. This was a unanimous recommendation of the Commission.

Brian Bochner, 5111 Bellerive Bend, member of the Citizen's Charter Review Advisory Commission, spoke regarding recall as it pertained to a charter amendment election. He noted that the initial charge was to review the entire charter, including the recall provision. Last week, the Council asked the Commission to review the recall provision for inclusion on a possible November 2011 charter amendment election. Recall issues include causes for recall, causes for automatic forfeiture, ease of initiating recall elections, base for recall signatures, and who is eligible to sign a petition. The current charter has no cause specified; only a statement is required. There are also no causes for automatic forfeiture stated. They had briefly discussed this earlier and looked at peer charters. They need more time for public and Council input. They want to research recall experiences in other municipalities. This should be deferred until the next charter election.

Bernice Lewis, 4605 St. Andrews, spoke in favor of moving the election to November. Her great concern is the cost of an election. The fiscally prudent thing to do, in light of our current economic times, is to share the cost with all the local entities. Also, there is a very low voter turnout in May elections. Council needs to step up to the plate and make a decision.

Chris Scotti, 700 University, provided written comments in favor of three-year terms in November.

Jim Maness, 1733 Arrington, provided written comments in favor of two-year terms.

Susan Laue, 4902 Firestone, stated that she sees November elections as an opportunity for College Station. This could reduce the opportunity for small well-focused groups to determine outcomes. November elections are fiscally prudent. May elections exact a high price. Odd year elections are more problematic for inclusion, resulting in a de facto disenfranchisement of minority voters. This could result in close scrutiny and perhaps be overturned by the Department of Justice. A change to four-year terms will diminish accountability. It also will require a greater commitment from those willing to serve, thereby reducing the candidate pool. Financially there will be ongoing independent elections. She cannot see how odd year May elections are a good choice for College Station voters.

David and Valeria Warnick, 612 Navarro, provided written comments. Mr. Warnick spoke to state he wants to decide this now instead of a charter amendment election.

Ryan Davenport, 1104 Haley Place, spoke to the interests of students in municipal election. May elections are held after final exams. Students are out of the city, and students are disenfranchised. They are not given an opportunity to vote like other citizens. He is in favor of moving to November. Four-year terms are troubling because officeholders are less accountable less often. Last November, there were 16,000 voters in the municipal election; in May the turnout was 6,000. With May elections, a politically charged group could come in and determine an outcome. There would be a more representative swath of citizens in November.

Jeff Pickering, 1104 Haley Place, spoke as an advocate on behalf of the TAMU student body. Moving to November is good for the students. The elections last May were held after final exams. Many think students don't vote, and they don't care. He reported that this past March they held a campus election. 13,000 voted. 9,000 came back to vote during the runoff. Students do care and want to have a voice. Current elections in May disenfranchise the students. If elections are moved to November, then we will see if his belief is true that student are engaged. Council has the opportunity and authority to do this.

John Nichols, 1317 Angelina Court, stated he does not object to four-year terms, but prefers three-year terms. November elections will be partisan. People vote by affinity and will use that for their decision criteria. Local issues need to be brought to the forefront. The party leaders should have the opportunity to refute any claims by any local candidate.

Libby Vastano, 2756 Cloisters, provided written comments and spoke in favor of May elections. She does not want to see partisan politics at the local level. She also noted that students have an opportunity to vote absentee.

Chuck Ellison, 302 Holleman, stated the charter is an important governance document. To move to November by resolution effectively amends the charter. For Council to do so, removes the right of the citizens to decide. Four-year terms in May will result in half as many elections as three-year terms in November. As a proponent for personal responsibility, those not showing up to vote in May are self-disenfranchising. In the past, he was a proponent for November elections. However, the last November election changed his mind. The party-card was played last November. When we move to November by resolution, it is November forever. Important issues get lost in the chatter following state and federal elections. Those that come to the polls in May have paid attention to the issues and know what they are voting for.

Charles Szabuniewicz, 3801 Fifth, Bryan, stated the Council has been entrusted to lead this organization for the benefit of its citizens. There are three important parts to this: fiscally efficient operations, maximize citizen involvement, and term limits. The national trend is concern for career politicians. A shorter term may be better. Two years is too short, and four years is too long. The discussion is based on fear and is not logical. Term limits of three years are good, and the only option is a fall election.

Chris Tucker, 405 Nimitz, said it is imperative to move to a November date. We need to keep costs as low as possible, increase voter turnout, and provide an opportunity for student involvement. He would like to see a November date to avoid losing student input.

Patrick Gendron, 205 Lampwick, stated that Mr. Ellison captured his comments.

Buck Prewitt, 2302 Scotney Court, said that Mr. Ellison summed this up very well. He does think four years is a long commitment. He hoped we could stay away from a November election and stay with a shorter term, but the state has dictated what citizens will be doing. We will be either four years in May or stay at the bottom of the ballot in November. It is a lower turnout in May, but we would be away from partisan politics.

Ms. Bernice Lewis asked if anyone could speak to whether an election can be held in November without partisan politics. Mayor Berry replied that she had spoken with several individuals who are heavily involved in the parties, and they stated they would not endorse a local candidate and that November local elections can be non-partisan.

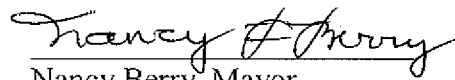
There being no further comments, the Public Hearing was closed at 8:14 p.m.

**MOTION:** Upon a motion made by Councilmember Fields and a second by Mayor Berry, the City Council voted three (3) for and four (4) opposed, with Councilmembers Brick, Mooney, Schultz, and Ruesink voting against, to direct staff to prepare a resolution moving City elections to November. The motion failed.

**MOTION:** Upon a motion made by Councilmember Schultz and a second by Councilmember Brick, the City Council voted five (5) for and two (2) opposed, with Mayor Berry and Councilmember Fields voting against, to direct staff to prepare an ordinance calling for a special election to amend the charter to extend terms to four-year terms, with elections in May of odd-numbered years. The motion carried.

## **5. Adjournment**

**MOTION:** There being no further business, Mayor Berry adjourned the Special Meeting of the College Station City Council at approximately 8:56 p.m. on Monday, August 8, 2011.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary